IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9755 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL KAUSHIKKUMAR BHAILALBHAI

Versus

REGIONAL PASSPORT OFFICER, OFFICE OF REGIONAL PASSPORT

Appearance:

1. Special Civil Application No. 9755 of 2003

MR NIKHIL S KARIEL for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 03/10/2003

ORAL JUDGEMENT

1. RULE. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Sr. Standing

Counsel Shri D.N. Patel. At the request of the learned advocates, the petition is finally heard today.

2. The case of the petitioner is that the petitioner is not aware as to how in his passport No. G-772251 his date of birth has been recorded as 1.06.1958. Subsequently, he has come to know, upon perusal of the school leaving certificate as well as birth certificate, that his date of birth is 1.06.1964.

3. In the circumstances, the petitioner wants his correct date of birth to be recorded in his passport.

4. In pursuance of notice issued by this court, learned advocate Shri N.J.Shah has appeared and has submitted that on the basis of information given by the petitioner in the past, in the passport which has been issued to the petitioner it has been stated that the petitioner's date of birth is 1.6.1958. Now the petitioner has come with a different case. However, it has been submitted that if the petitioner submits an application for making corrections, his application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct date of birth of the petitioner is 1.6.1964, a new passport stating the correct date of birth shall be issued to him.

5. Looking to the facts of the case, as and when the petitioner submits an application to the respondent authority requesting for correction of the date of birth in the new passport, on expiry of the present one, with relevant documents and evidence to show that the petitioner was in fact born on 1.6.1964, if the authority is satisfied that the correct date of birth of the petitioner is 1.6.1964, I am sure that the authority shall issue a new passport recording the correct date of birth.

6. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

7. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute. D.S. permitted.

(A.R. DAVE, J.)

siji